

REMARKS

Claims 134-177 are pending in the present application, with claims 1, 8, 15, 52, 134, 158, 168, and 175 being the independent claims. In summary of the outstanding Office Action, claims 136-140, 144, and 171-173 are rejected under 35 U.S.C. 112, second paragraph. Claims 134, 146, 168, and 175 are rejected under 35 U.S.C. § 102(b) as being anticipated by Graves et al., U.S. Patent 5,410,344. Claims 134-140, 145, 146-152, 158-160, 165-167, 168-177 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo (U.S. Patent 6,025,868) and further in view of Graves et al. (U.S. Patent 5,410,344). Claims 141 and 153 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo and Graves and further in view of Rabowsky (U.S. Patent 6,141,530). Claims 142-144, 161-163 and 154-156 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo, Graves and Rabowsky, and further in view of Banker et al. (U.S. Patent 6,005,938).

Rejections under 35 U.S.C. 112

Claims 136-140, 144, and 171-173 are rejected under 35 U.S.C. 112, second paragraph due to issues regarding lack of antecedent basis for particular terms in the claims. Amendments made to the claims herein have addressed these issues and thus, withdrawal of the rejections is earnestly solicited.

Claim 134

Without conceding the propriety of the rejections and arguments supporting the rejection of claim 134 in the Office Action prior to the amendments herein, Applicants submit the individual references cited in the rejection by the Office Action, or any combination thereof, do not disclose the subject matter of claim 134 as amended. Claim 134 is rejected under 35 U.S.C. § 102(b) as being anticipated by Graves et al., U.S. Patent 5,410,344. Claim 134 as amended herein includes the limitations of cancelled claim 136, thus no matter is entered and no new issues are raised by the amendment that would require further consideration and/or search. With respect to the added limitation of cancelled claim 136 regarding providing a mechanism to automatically overwrite stored digital data content,

Graves et al. does not teach or suggest such a limitation, nor does the Office Action contend that Graves et al. teaches or suggests such a limitation.

However, the Office Action states that Russo (U.S. Patent 6,025,868) teaches erasing content in col. 5, lines 10-13 and col. 11, lines 20-25. Although Russo may teach erasing content, or even erasing content automatically, it does not teach automatically overwriting stored digital data content with the automatically selected video programs according to a defined criteria. In fact, Russo describes the digital content being “automatically erased during or immediately subsequent its retrieval.” Col. 11, lines 20-25. Thus, Russo does not describe automatically overwriting the content, but merely erasing it. The difference being that erasing the content means removing the content from memory, as opposed to overwriting, where new content immediately takes the place of the previous content as the new content is being written. Furthermore, Russo does not describe any defined criteria according to which the content is automatically overwritten (or even erased). Russo describes that a selection may be “automatically erased during or immediately subsequent its retrieval.” Col. 11, lines 20-25. Therefore, no criteria is required to be fulfilled or met before erasing the content.

Since all the limitations of claim 134 are not taught or suggested by Russo, the other references cited by the Office Action, or any combination thereof, for at least the reasons presented above, withdrawal of the rejection is earnestly solicited.

Claims 135-177

Claims 135-177 as amended herein either depend directly or indirectly from claim 134, have been cancelled, or have a corresponding limitation as that in claim 134 regarding providing a mechanism to automatically overwrite stored digital data content. Therefore, Applicants respectfully submit that all the limitations of claims 135-177 are not taught or suggested by Russo, Graves et al., any of the other references cited by the Office Action, or any combination thereof, for at least the same reasons presented above. Therefore, Applicants submit that claims 135-177 of the application are in condition for allowance and withdrawal of the rejections is earnestly solicited.

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**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

CONCLUSION

Applicants believe that the present reply is responsive to each point raised by the Examiner in the Office Action and Applicants submit that the remaining claims of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited. However, should the Examiner find the claims as presented herein to not be allowable for any reason, Applicants' undersigned representative earnestly requests a telephone conference at (206) 332-1392 with both the Examiner and the Examiner's Supervisor to discuss the basis for the Examiner's continued rejection in light of the Applicant's arguments presented herein. Likewise, should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative would very much appreciate a telephone conference to discuss these issues.

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Jeremiah J. Baunach
Registration No. 44,527

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439